



TOWN OF VERNON

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TOWN CLERK

LEGAL NOTICE TOWN OF VERNON PUBLIC HEARING TOWN COUNCIL

THIS IS TO GIVE NOTICE that at its regular meeting of July 20, 2021, the Vernon Town Council scheduled two (2) public hearings to be held on August 17, 2021 in the Third Floor Council Chambers of the Town Hall, Memorial Building, 14 Park Place, Vernon, Connecticut.

The first public hearing will take place at 7:35 p.m. regarding an ordinance entitled:

“Possession and Consumption of Alcoholic Liquor and Cannabis Prohibited in Town-Owned or Town-Leased Property; Smoking and Vaping Prohibited in Town-Owned or Town-Leased Property.” Repealing Ordinance #74 Entitled “Possession, Consumption, Distribution or Sale of Alcoholic Beverages on School Grounds, in School Buildings Prohibited”, and Ordinance #295 Entitled “Possession or Consumption of Alcoholic Liquors in Town Parks and Recreation Areas Prohibited.”

The second public hearing will take place immediately following the conclusion of the first public hearing regarding an ordinance entitled:

“Possession of Alcoholic Liquor and Cannabis in Public Areas, Highways and Parking Areas”, Repealing Ordinance #195 Entitled “Possession of Alcoholic Liquor in Public Areas, Highways and Parking Areas”

Copies of the proposed ordinances are available at the Town Clerk's Office, 14 Park Place, Vernon, Connecticut and on the Town's website, www.vernon-ct.gov/legal-notices.

Karen C. Daigle, CCTC
Vernon Town Clerk

Dated at Vernon, Connecticut, this 21st day of July, 2021.

Journal Inquirer
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AN ORDINANCE ENTITLED “POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND CANNABIS PROHIBITED IN TOWN-OWNED OR TOWN-LEASED PROPERTY; SMOKING AND VAPING PROHIBITED IN TOWN-OWNED OR TOWN-LEASED PROPERTY.” REPEALING ORDINANCE # 74 ENTITLED “POSSESSION, CONSUMPTION, DISTRIBUTION OR SALE OF ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS, IN SCHOOL BUILDINGS PROHIBITED” AND ORDINANCE #295 ENTITLED “POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUORS IN TOWN PARKS AND RECREATION AREAS PROHIBITED.”

BE IT ORDAINED by the Town of Vernon that Ordinance #74, codified as Section 8-1 and Ordinance #295 codified as Section 9-1 of the Code of Ordinances of the Town of Vernon, are hereby repealed and replaced as follows:

Sec 8-1. – Possession, consumption, distribution or sale of alcoholic beverages on school grounds, in school buildings prohibited.

- (a) It shall be unlawful to possess, consume, sell, or distribute alcoholic beverages of any kind on school grounds or in school buildings in the town.
- (b) Any person who violates any provision of this section shall, upon conviction, be punished in accordance with Section 1-9.

Sec. 9-1. - Possession or consumption of alcoholic liquors in town parks and recreation areas prohibited.

(a) *Finding.* The town council finds that the unregulated consumption of alcoholic liquors in town parks and recreation areas has caused a serious impediment to the town, has further resulted in the congregation of large and disruptive crowds in these areas, and has posed a danger to the orderly and peaceful flow of both traffic and persons in these areas.

(b) *Definitions.* As used in this section:

Alcoholic liquor shall be defined as in the Liquor Control Act, Chapter 545 of the Connecticut General Statutes, as amended, and shall include alcohol, beer, spirits and wine.

Drugs shall be defined as those substances as outlined in Section 21a-240(8) and (9) of the Connecticut General Statutes.

Intoxicated shall be defined as requiring the exhibition of visible or perceivable symptoms from which an observer can discern that the person is under the influence of alcohol and/or drugs.

Park or recreation area is a park, reservation, camp, playground, beach, swimming pool, recreation center or any other area in the town, owned, used or leased by the town and devoted to active or passive recreation, including adjacent sidewalks, pathways, driveways, and roads. Lessors of town parks or recreational areas shall be exempt from the provisions of this ordinance with regard to sponsored activities of said lessors.

Person is any association, organization or group formally organized for social, civic or charitable purposes, and any family group which is further defined as any number of individuals related by blood, marriage, or adoption; provided, however, the word "person" as used in the penalty section, subsection (e) hereof, and in the prohibition section, subsection (c) hereof, is any natural person, partnership, corporation, association or society.

(c) *Prohibition.* No person shall possess or consume any alcoholic liquor in any town park or recreation area. Nor shall any person be intoxicated, or appear to be intoxicated, in any town park or recreation area.

(d) *Posting.* The director of public works is hereby directed to post every town park and recreation area with a sign that reads in substance that possession or consumption of alcoholic liquors and being intoxicated or appearing intoxicated is prohibited.

(e) *Penalty.* Any person violating the provisions of this section shall be fined not more than one hundred dollars (\$100.00) for each offense.

Are hereby repealed and the following is substituted in lieu thereof:

Possession and Consumption of Alcoholic Liquor and Cannabis Prohibited in Town-owned or Town-leased property; Smoking and Vaping Prohibited in Town-owned or Town-leased property.

(a) *Finding.* The Town Council finds that the unregulated consumption of alcoholic liquors and cannabis on Town-owned or Town-leased property has caused a serious impediment to the Town, has further resulted in the congregation of large and disruptive crowds in these areas, and has posed a danger to the orderly and peaceful flow of both traffic and persons in these areas. The Town Council further finds that smoking and the use of electronic nicotine delivery systems and vapor products on Town-owned or Town-leased property poses a health risk and interferes with the public's enjoyment of these areas.

(b) *Definitions.* For the purposes of this section, the following terms shall be defined as follows:

(1) *Alcoholic Liquor* shall have the same meaning as ascribed to that term in Section 30-1(3) of the Connecticut General Statutes, as amended from time to time.

(2) *Cannabis* means marijuana as defined in Section 21a-240 of the Connecticut General Statutes, as amended from time to time.

(3) *Drugs* shall be defined as those substances as outlined in Section 21a-240(8) and (9) of the Connecticut General Statutes.

(4) *Electronic Nicotine Delivery System* shall have the same meaning as ascribed to the term(s) in Section 19a-342a of the Connecticut General Statutes, as amended from time to time.

(5) *Intoxicated* shall be defined as requiring the exhibition of visible or perceivable symptoms from which an observer can discern that the person is under the influence of alcohol and/or drugs.

(6) *Smoke* or *Smoking* shall have the same meaning as ascribed to the term(s) in Section 19a-342 of the Connecticut General Statutes, as amended from time to time.

(7) *Town-owned or Town-leased property* means those buildings and grounds (including school buildings and grounds), parking lots, recreation areas, swimming pools, facilities, trails, open space, cemeteries and public parks and all walkways and sidewalks within and adjacent to buildings, grounds, parking lots, recreations areas, swimming pools, facilities, trails, open space, cemeteries and public parks which are owned or leased by the Town. Town-owned or -leased property shall not include public highways, streets, roads or rights-of-way and those sidewalks within public rights-of-way.

(8) *Vapor Product* shall have the same meaning as ascribed to the term(s) in Section 19a-342a of the Connecticut General Statutes, as amended from time to time.

- (c) *Possession and consumption of Alcoholic Liquor prohibited.* It shall be unlawful to possess, consume, sell, or distribute alcoholic liquor of any kind on Town-owned or Town-leased property.
- (d) *Possession and consumption of Cannabis prohibited.* It shall be unlawful to possess, burn, smoke, consume, sell, or distribute cannabis of any kind on Town-owned or Town-leased property.
- (e) *Public intoxication prohibited.* It shall be unlawful to be intoxicated, or appear to be intoxicated, on Town-owned or Town-leased property.
- (f) *Smoking and use of Electronic Nicotine Delivery Systems and Vapor Products prohibited.* It shall be unlawful to smoke, consume tobacco or use an electronic nicotine delivery system or vapor product, sell or distribute any tobacco, nicotine delivery system or vapor product of any kind on Town-owned or Town-leased property.
- (g) Any person who violates any provision of this section shall, upon conviction, be punished in accordance with Section 1-9 unless such other penalty is set by the Connecticut General Statutes.

ORDINANCE # _____

AN ORDINANCE ENTITLED “POSSESSION OF ALCOHOLIC LIQUOR AND CANNABIS IN PUBLIC AREAS, HIGHWAYS AND PARKING AREAS” REPEALING ORDINANCE # 195 ENTITLED “POSSESSION OF ALCOHOLIC LIQUOR IN PUBLIC AREAS, HIGHWAYS AND PARKING AREAS”

BE IT ORDAINED by the Town of Vernon that Ordinance #195, codified as Section 11-4 of the Code of Ordinances of the Town of Vernon, is hereby repealed and replaced as follows:

Sec. 11-4. - Possession of alcoholic liquor in public areas, highways and parking areas.

(a) *Short title.* This section shall be known and may be cited as "Ordinance Regarding Possession and Consumption of Alcoholic Liquor in, within and upon Public Areas, Public Highways and Parking Areas within the Town of Vernon."

(b) *Definitions.* For the purposes of this section, the following terms shall be defined as follows:

(1) *Alcoholic liquor* shall have the same meaning as ascribed to that term in section 30-1(2) of the Connecticut General Statutes, as amended from time to time.

(2) *Motor vehicle* means a motor vehicle as defined in section 14-1(30) of the Connecticut General Statutes, as amended from time to time.

(3) *Open container* means any open bottle, flask or other container lacking an intact liquor tax stamp or seal, whether or not stopped; any can or other container which has been opened in any way; any keg, mini-keg or other container or vessel containing an alcoholic beverage which is open or has been opened in any way.

(4) *Parked vehicle* shall have the same meaning as ascribed to that term in section 14-1(3) of the Connecticut General Statutes, as amended from time to time.

(5) *Public highway* means a highway, road, street, avenue, boulevard or other way located within and under the control of the Town of Vernon and open to public use, including the tree-belts and sidewalks of any such public highway. This term shall not include sidewalks or driveways located within the boundaries of privately owned property.

(6) *Public area* means any park, plaza, mall, arena, stadium, theater, cemetery and other areas, regardless of by whom owned or controlled, open to the public use with or without charge. This term shall not include any private property whose owner or lessee has given written permission to any person who consumes alcoholic liquor therein to so use the property.

(7) *Parking area* means parking lots, parking garages and similar areas made available for the parking of motor vehicles away from the highway or street which are open to the public use with or without charge.

(c) *Possession and consumption of alcoholic liquor prohibited.* Except as permitted by subsection (b)(6) above, no person shall consume any alcoholic liquor or have in his possession any open container of alcoholic liquor while upon or within the limits of any public highway, public area or parking area within the Town of Vernon. The possession of an open container of alcoholic liquor or consumption therefrom by any person while in a motor vehicle parked within or upon a public area shall also be a violation hereof.

(d) *Penalty.* Any person who violates any of the provisions of this section shall be fined no more than ninety-nine dollars (\$99.00) for each violation.

Is hereby repealed and the following is substituted in lieu thereof:

Possession of alcoholic liquor and cannabis in public areas, highways and parking areas.

(a) *Short title.* This section shall be known and may be cited as "Ordinance Regarding Possession and Consumption of Alcoholic Liquor and Cannabis in, within and upon Public Areas, Public Highways and Parking Areas within the Town of Vernon."

(b) *Definitions.* For the purposes of this section, the following terms shall be defined as follows:

(1) *Alcoholic liquor* shall have the same meaning as ascribed to that term in section 30-1(3) of the Connecticut General Statutes, as amended from time to time.

(2) *Cannabis* means marijuana as defined in Section 21a-240 of the Connecticut General Statutes, as amended from time to time.

(3) *Motor vehicle* means a motor vehicle as defined in section 14-1(30) of the Connecticut General Statutes, as amended from time to time.

(4) *Open container* means any open bottle, flask or other container lacking an intact liquor tax stamp or seal, whether or not stopped; any can or other container which has been opened in any way; any keg, mini-keg or other container or vessel containing an alcoholic beverage which is open or has been opened in any way.

(5) *Parked vehicle* shall have the same meaning as ascribed to that term in section 14-1(3) of the Connecticut General Statutes, as amended from time to time.

(6) *Public highway* means a highway, road, street, avenue, boulevard or other way located within and under the control of the Town of Vernon and open to public use, including the tree-belts and sidewalks of any such public highway. This term shall not include sidewalks or driveways located within the boundaries of privately owned property.

(7) *Public area* means any park, plaza, mall, arena, stadium, theater, cemetery and other areas, regardless of by whom owned or controlled, open to the public use with or without charge. This term shall not include any private property whose owner or lessee has given written permission to any person who consumes alcoholic liquor therein to so use the property.

(8) *Parking area* means parking lots, parking garages and similar areas made available for the parking of motor vehicles away from the highway or street which are open to the public use with or without charge.

(9) *Smoke* or *Smoking* shall have the same meaning as ascribed to the term(s) in Section 19a-342 of the Connecticut General Statutes, as amended from time to time.

(c) *Possession and consumption of alcoholic liquor prohibited.* Except as permitted by subsection (b)(7) above, no person shall consume any alcoholic liquor or have in his possession any open container of alcoholic liquor while upon or within the limits of any public highway, public area or parking area within the Town of Vernon. The possession of an open container of alcoholic liquor or consumption therefrom by any person while in a motor vehicle operating or parked within or upon a public highway, public area or parking area shall also be a violation hereof.

(d) *Consumption of cannabis prohibited.* Except as permitted by subsection (b)(7) above, no person shall burn, smoke or consume cannabis while upon or within the limits of any public highway, public area or parking area within the Town of Vernon. The burning, smoking or consumption of cannabis by any person while in a motor vehicle operating or parked within or upon a public highway, public area or parking area shall also be a violation hereof.

(e) *Penalty.* Any person who violates any provision of this section shall, upon conviction, be punished in accordance with Section 1-9 unless such other penalty is set by the Connecticut General Statutes.